

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JAN 22 2009
JOHN F. CONCORD CLERK
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UNITED STATES OF AMERICA

CRIMINAL No. 3:04-CR-00047-6

v.

CARLTON N. LUCK,

Petitioner - Defendant.

ORDER

JUDGE NORMAN K. MOON

In accordance with the accompanying memorandum opinion, the United States' motion to dismiss (docket #1337) is hereby **GRANTED in part** and **DENIED in part**: it is denied as to the ineffective assistance of appellate counsel claim and granted as to the remaining claims; except for his claim of ineffective assistance of appellate counsel, petitioner-defendant's claims are **DISMISSED**. Therefore, only petitioner-defendant's § 2255 claim of ineffective assistance of appellate counsel remains.

It is so ORDERED.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner-defendant and counsel of record for the United States.

ENTERED: This 22nd Day of January, 2009

Norman K. Moon
NORMAN K. MOON
UNITED STATES DISTRICT JUDGE